

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed March 29, 2004 ("*Final Office Action*"). Claims 1-31 were pending in the Application and stand rejected. Applicant respectfully requests reconsideration and favorable action in this case.

**Claim Rejections – 35 U.S.C. §102**

The Examiner rejects Claims 1, 2, 8, 9, 18, 19, 25, and 26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,057,943, which issued to Kweon, et al. ("*Kweon*"). Applicant respectfully traverses this rejection. Consider Claim 1, which recites:

A communications apparatus comprising:  
a client interface operable to receive point-to-point protocol (PPP) data;  
a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission; and  
a network interface operable to establish a link with a remote location, to negotiate a facsimile communications session with the remote location, and to communicate the facsimile page transmission to the remote location.

Among other aspects of this Claim, *Kweon* fails to disclose "a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission." *Kweon* simply discloses traditional techniques of using point-to-point protocol (PPP) to support data communications. *Kweon* defines "upper layer protocols" as including PPP and states:

The data terminal transmits the fax image data encapsulated by the upper layer protocols to the mobile terminal and the mobile terminal transmits it encapsulated and segmented by the lower layer protocols to the base station.

*Kweon*, Abstract. However, transmitting fax image data encapsulated by an upper layer protocol fails to show "a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission."

The Examiner cites various portions of *Kweon* as disclosing this element of Claim 1. However, Applicant respectfully submits that none of the cited portions disclose the claim element. First, the Examiner cites:

The data terminal has upper layer protocols of the said PPP and above and the mobile terminal has the lower layer protocol of the said RLP and below. The protocols in the data terminal can

be achieved easily by using conventional computer networking environment accessing the internet and only the application software operating on the said protocols is needed.

*Kweon*, Col. 3, lines 65-67; col. 4, lines 1-4. However, this language fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

Next, the Examiner cites:

When the mobile terminal receives the service option response order informing the acquisition of a modem in IWF from the base station, it activates the RLP and sends the connection confirm signal to the application interface in the data terminal. From receiving the connection confirm signal, the PPP, the LCP, the IPCP and the TCP/IP in the data terminal are initialized and negotiated with counterpart protocols in the base station. Then the application interface in the data terminal sends the stored modem commands including modem dial command (ATD) with dial number encapsulated in the protocols to the acquired modem in IWF.

*Kweon*, Col. 4, lines 20-30. Again, this language fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

The Examiner goes on to cite:

A schematic diagram for a CDMA fax service system is shown in FIG. 4. A notebook computer 600 is a data terminal and a cellular phone 620 is a mobile terminal. The notebook computer 600 and the cellular phone 620 is connected with a serial communication interface 610. A notebook computer 600 has the application software for fax service and the cellular phone provides the radio link for fax transmission.

*Kweon*, Col. 4, lines 58-64. This language also fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

The Examiner then cites:

The data terminal has the upper layer protocols including the application software, the application interface, the TCP, the IP, the IPCP, the LCP and the PPP. The mobile terminal has the lower layer protocol including the RLP and the CDMA traffic channel. The protocols in the data terminal can be achieved easily by using conventional computer networking environment accessing the internet and only the application software operating the protocols is needed. The Protocol stack in BS 630 may be distributed several place or integrated one or two place.

*Kweon*, Col. 5, lines 18-27. Yet again, this language fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

In response to Applicant’s arguments set forth in response to the first Office Action, the Examiner cites additional portions of *Kweon*. First, the Examiner cites *Kweon*’s Abstract, which, as discussed above, discloses traditional techniques of using point-to-point protocol (PPP) to support data communications. This simply fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

Next, the Examiner cites:

When the application interface receives a modem dial command (ATD) with dial number from application software, it sends a fax call origination 710 signal to the mobile terminal MT2 620.

*Kweon*, Col. 5, lines 46-49. This language still fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

Finally, the Examiner cites:

When once the traffic channel is opened between the mobile station and the base station, the fax software on the TE2 600 transmits the documents of a page unit following the T.30 procedure with controlling the acquired modem in IWF.

*Kweon*, Col. 6, lines 11-15. Again, this language fails to show “a protocol module operable to encapsulate the PPP data as a payload of a facsimile page transmission.”

For at least these reasons, Applicant submits that independent Claim 1 is allowable over *Kweon*. For analogous reasons, Applicant submits that independent Claims 8, 18, and 25 are allowable over *Kweon*. Claims 2, 9, 19, and 26 depend from Claims 1, 8, 18, and 25 respectively. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1, 2, 8, 9, 18, 19, 25, and 26.

### **Claim Rejections – 35 U.S.C. §103**

#### **Claim 15**

The Examiner rejects Claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Kweon*. Independent Claim 15 includes “a mobile unit operable . . . to encapsulate client point-to-point protocol (PPP) data as a payload of a facsimile page transmission.” For

analogous reasons as those discussed above with regard to Claim 1, *Kweon* simply fails to disclose this element.

Independent Claim 15 also includes “a server operable . . . to extract the client PPP data.” *Kweon* fails to disclose this element as well. The Examiner admits that *Kweon* does not disclose this element. *Final Office Action*, page 5. However, the Examiner states that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made in *Kweon*’s method to have the server to extract the received client PPP data that was encapsulated.” *Id.* Applicant respectfully disagrees. *Kweon* fails to disclose encapsulation of PPP data as a payload of a facsimile page transmission, and therefore it would not have been obvious to have a server operable to extract this encapsulated PPP data.

For at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claim 15.

**Claims 5, 6, 12, 22, and 29**

The Examiner rejects Claims 5, 6, 12, 22, and 29 under 35 U.S.C. §103(a) as being unpatentable over *Kweon*. Each of these claims depends from an independent claim shown above to be allowable over *Kweon*. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 5, 6, 12, 22, and 29.

Furthermore, Applicant respectfully submits that Claims 6, 12, 22, and 29 include additional elements not disclosed by *Kweon*. For example, Claim 6 includes:

the network interface is further operable to receive a  
page transmission acknowledgement, wherein the  
acknowledgement includes point-to-point protocol (PPP) data;  
and

the protocol module is further operable to extract the  
PPP data from the acknowledgement.

The Examiner admits that *Kweon* “did not specifically teach that the acknowledgement includes PPP data and the protocol module is further operable to extract the PPP data from the acknowledgement.” *Final Office Action*, page 6. However, the Examiner states that “sending an acknowledgement including data that can be extracted is well known in the art similar to sending an email message with attached files.” *Id.* Applicant respectfully disagrees. An email message with attached files in no way teaches or suggests the recited claim elements. For at least these reasons, Applicant requests the Examiner to reconsider and

withdraw the rejection of Claim 6. For analogous reasons, Applicant requests the Examiner to reconsider and withdraw the rejection of Claims 12, 22, and 29.

**Claims 3, 4, 7, 10, 11, 13, 14, 17, 20, 21, 23, 24, 27, 28, 30, and 31**

The Examiner rejects Claims 3, 4, 7, 10, 11, 13, 14, 17, 20, 21, 23, 24, 27, 28, 30, and 31 under 35 U.S.C. §103(a) as being unpatentable over *Kweon*, in view of U.S. Patent No. 5,854,830, which issued to Kenmochi ("*Kenmochi*"). Each of these claims depends from an independent Claim shown above to be allowable over *Kweon*. The introduction of *Kenmochi* fails to provide the elements of Applicant's independent claims not shown by *Kweon*. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 3, 4, 7, 10, 11, 13, 14, 17, 20, 21, 23, 24, 27, 28, 30, and 31.

**Claim 16**

The Examiner rejects Claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Kweon*, in view of U.S. Patent No. 6,330,499, which issued to Chou et al. ("*Chou*"). Claim 16 depends from independent Claim 15, which was shown above to be allowable over *Kweon*. The introduction of *Chou* fails to provide the elements of Applicant's Claim 15 not shown by *Kweon*. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 16.

**CONCLUSION**

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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